

12th March 2018

Policy, Projects and Resources

Allotments

Report of: Philip Ruck – Chief Executive

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 There are a number of allotments within the Borough. These have attached to them a variety of statuses and lease arrangements
- 1.2 The council recognise the importance of allotments and their benefit to the community, and is seeking to ensure they are preserved for future generations.

2. Recommendations

- 2.1 **To agree that a paper is prepared for the next PPR committee to**
 - a) **detail allotments that are deemed “statutory”**
 - b) **consider a referral to the Secretary of State, if appropriate, to appoint some additional allotments as “statutory”**

and

 - c) **to agree a standard Heads of Agreement to apply to allotments (subject to any individual circumstances/peculiarities relating to particular allotments)**

3. Introduction and Background

- 3.1 Section 23 of the Small Holdings and Allotments Act 1908, states that If a council believes that there is a demand for allotments, they have a statutory duty to provide a sufficient number of plots.

- 3.2 Whilst there is no legal national minimum provision standard, for councils to supply a minimum number of plots per thousand population, councils are required to audit allotments, set standards of provision, and assess their actual provision.
- 3.3 There is no legal minimum size for an allotment. The Allotments Act 1922 defines 'allotment gardens' as 'an allotment not exceeding forty poles in extent which is mainly cultivated by the occupier for the production of vegetables and fruit crops for consumption by himself or his family'. (Section 22) - That said, it is generally accepted that the average plot is 300 square yards or 250 square metres.
- 3.4 There is no legal requirement for the council to provide anything other than land on the allotment site.
- 3.5 Allotment sites owned by local authorities can be designated as 'statutory' or 'temporary' where 'statutory' sites are subject to some protection under the Allotments Act 1925.[107] 'Temporary' sites have no security beyond the usual planning system requirements. As a result of these differences, the designation of a site is important to local authorities and allotment holders alike.
- 3.6 The following is the response from government to the “allotments petition in 2007”

Quote

Planning Policy Guidance 17 (PPG17) requires that local authorities make provision for all types of open space that may be of public value. It also requires local authorities to undertake robust assessments of local needs for, and audits of, existing open space, sports and recreational facilities and to establish standards for new provision. It is expected that by implementing the guidance in PPG17, local authorities should make adequate provision for allotments.

Furthermore, if an allotment authority is of the opinion that there is a demand for allotments in its area, it is required under Section 23 of the Small Holdings and Allotments Act 1908, to provide a sufficient number of allotments and to let them to persons residing in its area who want them.

Written representations may be made to the local authority on the need for allotments by any 6 residents on the electoral register or persons liable to pay council tax, and the local authority must take those representations into account (section 23(2) of the Small Holdings and Allotments Act 1908). The Council must assess whether there is a demand for allotments in their area. If the council decides that there is a demand for allotments; they have a statutory duty to provide a sufficient number of plots. In terms of the duty to provide under section 23 of the Small Holdings and Allotments Act 1908 there is no time limit for provision once it has been established that there is a demand.

Unquote

4. Reasons for Recommendation

- 4.1 Appendix A details the current Allotment sites within the Brentwood area:
- 4.2 A number of discussions have taken place over the last 12 months with key stakeholders representing various allotments. It is clear from this that allotment users require clarity around the definition of “statutory” and “temporary” status and that appropriate lease/financial arrangements need to be defined and put into place.

5. Consultation

- 5.1 Discussions have been undertaken with allotment users who are in agreement with the suggested approach

6. References to Corporate Plan

- 6.1 Value for money: Policies that invest in key services to create opportunity for all, provide better value for Brentwood’s residents and enhance the community.

7. Implications

Financial Implications

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- 7.1 There are no direct financial implications arising from this report. The Council currently receives 10% of the Rental Income to Brentwood Horticultural Society.

Legal Implications

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- 7.2 Legal Services are available to provide ongoing advice and assistance in relation to the redrafting of leases under this proposal and Legal Services will review the legal position in relation to the allotments, including statutory allotments, and will advise in more detail in the proposed upcoming report.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 7.3 Not applicable

8. Background Papers (include their location and identify whether any are exempt or protected by copyright)

- 8.1 None

9. Appendices to this report

- 9.1 Appendix A – List of Allotment Sites

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